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Attorney Docket #4925-119

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Jonas BERGSTEN et al.
Serial No.: 09/893,850
Filed: June 28, 2001
For: Method and Apparatus for Scrollable Cross-Point Navigation in a User Interface

Examiner: KE, Peng
Group Art: 2174

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Michael C. Stuart
Name of Applicant, assignee or Registered Representative

Signature

May 17, 2005
Date of Signature

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APPEAL BRIEF

SIR:

This is an appeal, pursuant to 37 C.F.R. §1.192(a) from the decision of the Examiner in the above-identified application, as set forth in the Final Office Action dated November 18, 2004 wherein the Examiner finally rejected appellant's claims 1-20. The rejected claims are reproduced in the Appendix A attached hereto. A Notice of Appeal was filed on April 8, 2005. This Appeal Brief is being submitted in triplicate.

The fee of $500.00 for filing an Appeal Brief pursuant to 37 C.F.R. §1.17(f) is submitted herewith. Any additional fees or charges in connection with this application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

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REAL PARTY IN INTEREST

The assignee, Nokia Corporation, of applicant, Jonas Bergsten et al., is the real party of interest in the above-identified U.S. Patent Application.

RELATED APPEALS AND INTERFERENCES

There are no other appeals and/or interferences related to the above-identified application at the present time.

STATUS OF CLAIMS

Claims 1-20 are pending, have been finally rejected, and are the claims on appeal. No claims have been allowed.

STATUS OF AMENDMENTS

An Amendment was filed on January 14, 2005 subsequent to the Final Office Action of November 18, 2004. That Amendment was entered and considered, as reflected in the Office Action dated March 18, 2005.

SUMMARY OF THE INVENTION

Applicants' invention allows a user to navigate through a multi-level hierarchical structure while at the same time displaying information as to where the user is currently located within that hierarchical structure. The hierarchical structure includes a plurality of information entries organized into a plurality of groups and subgroups of those groups (independent claims 1 and 11, lines 3-5; specification, page 8, line 22 to page 9, line 19). A scrollable cross-point navigation image is displayed in the form of two bars of panels with a common focus panel, each of the panels being linked to and identifying an information entry, a group, or a subgroup (claims 1 and 11, lines 6-9; specification, page 4, lines 13-19; FIGs. 2-9). The focus panel displays the user's

current lowest level in the hierarchical structure, along with a successively higher hierarchical level, if any (independent claims 1 and 11, lines 10-11).

The hierarchical structure can be best illustrated by referring to an example shown in the figures of the application. Referring, for example, to FIG. 3, the highest level of the folder hierarchy is comprised of "FOLDER A", "FOLDER B", "FOLDER C", and "FILM". The "FILM" folder is comprised of subgroups (or bookmarks) "MUSICAL", "DOCUMENTARY", "COMEDY", "HISTORY", "ACTION", and "DRAMA", as shown in FIG. 4. The "ACTION" subgroup (or bookmark) is comprised of sub-subgroups (or sub-bookmarks) "DIE HARD", and a number of "SUB BOOKMARKS", as shown in FIG. 6. The "DIE HARD" sub-subgroup (or sub-bookmark) is comprised of a plurality of lowest level subgroups (or sub-sub-bookmarks), "SUBBOOKMARK 2".

In the example shown in FIG. 9, the focus panel 30 shows the current lowest level, "SUBBOOKMARK 2" in box 62b (as recited in independent claims 1 and 11, line 10), and the next higher level, "DIE HARD", (as recited in claims 1 and 11, line 11) as discussed in the specification, page 17, line 16 to page 18, line 8. Levels in the hierarchy that are higher than that displayed in the focus panel, if any, are identified in succeeding adjoining panels of a first bar 34 of the two bars 32, 34, referring in FIG. 9 to "ACTION", and "FILM" (as recited in independent claims 1 and 11, lines 12-13) Other panels of the first bar 34 identify the highest level groups in the hierarchy (claims 1 and 11, lines 13-14), referring in FIG. 9 to "FOLDER A" and "FOLDER B". Panels on the second bar 32 of the two bars 32, 34 identify information entries (if any), groups (if any), or subgroups (if any) of the same level in the hierarchy as the currently selectable lowest level in the hierarchy identified in the focus panel (claims 1 and 11, lines 15-17), referring in FIG. 9 to "SUBBOOKMARK 2" (in panel 42), "SUBBOOKMARK 2" (in panel 44), "SUBBOOKMARK 2" (in panel 46), and "SUBBOOKMARK 2" (in panel 48). A currently selected lowest level in the hierarchy identified in the focus panel is changed upon the entry of a navigation command by the user on an input device (independent claims 1 and 11, lines 17-18); compare the focus panels 30 in FIG. 8 and FIG. 9.

ISSUE

1. Whether independent claims 1 and 11, and dependent claims 2, 3, 7-9, 12, 13 and 17-19 are patentable under 35 U.S.C. §102(b) over U.S. Patent No. 5,059,956 ("*Geiser*")

2. Whether dependent claims 4, 5, 14 and 15 are patentable under 35 U.S.C. §103(a) over *Geiser* in view of U.S. Patent No. 5,677,708 ("*Matthews*").

3. Whether dependent claims 6, 10, 16 and 20 are patentable under 35 U.S.C. §103(a) in view of *Geiser*.

ARGUMENT

INDEPENDENT METHOD CLAIM 1 AND INDEPENDENT APPARATUS CLAIM 11, AND DEPENDENT METHOD CLAIMS 2-10 AND DEPENDENT APPARATUS CLAIMS 12-20 STAND AND FALL TOGETHER AND ARE PATENTABLE

The Final Office Action takes the position that *Geiser* teaches the claimed method and apparatus for displaying information in a display associated with an electronic device. The Office Action states (pg. 2, ¶ 4) that *Geiser* teaches "a method for displaying information in a display associated with an electronic device comprising organizing a plurality of information entries into a hierarchy comprising a plurality of groups, at least one of which groups have at least one sub-level of sub-groups (sub-sets)," and refers to col. 4, lines 5-8.

The Office Action states that *Geiser* teaches the step of "displaying panels on a display associated with an electronic device, the panels being arranged into two bars of panels with a common focus panel (horizontal and vertical components), each of the panels being linked to and identifying one of (a) the plurality of information entries, (b) one of the groups, and (c) one of the subgroups (selection of destination), wherein the focus panel identifies (a) a currently selectable lowest level in the hierarchy and (b) the next higher level, if any, wherein levels, if any in the hierarchy higher than that displayed in the focus panel are identified in succeeding adjoining panels of a first of the two bars, other panels of the first bar identifying highest level groups in the hierarchy, and wherein panels of the second of the two bars each identify one of (a) information entries if any, (b) group, if any, and (c) subgroups, if any, of the same level in the

hierarchy identified in the focus panel (subsequent selections always limited by preceding letter/subgroups)," citing col. 2, lines 43 thru col. 3, lines 25 of *Geiser* in support thereof.

Geiser discloses a technique for selecting an alphabetic destination name by using a two-dimensional input element (col. 1, lines 55-68; col. 2, lines 43-45). A vertical component of the two-dimensional input element is used to scroll through various letters of the alphabet until a desired letter is selected (col. 2, lines 43-45 and 54-57). The two-dimensional input element is provided in the form of two mutually orthogonal bars (FIGs. 1A-1C). A horizontal bar of the two-dimensional input element is used to scroll through various letter positions from left to right within a word, so as to enable selection of a desired letter position (col. 2, lines 49-54). The name of a destination is spelled out by using a vertical bar of the two-dimensional input element to select an individual letter of the alphabet for each of a plurality of letter positions determined by the horizontal bar. Thus, *Geiser* utilizes two mutually orthogonal bars to select specific letters and letter positions within a word.

Geiser fails to teach or suggest navigation through a hierarchical structure of information containing a plurality of groups and at least one level of subgroups, as recited in independent claims 1 and 11, lines 3-4. *Geiser* discloses only one hierarchical level -- namely, letters, and fails to disclose the use of the subgroups recited in independent claims 1 and 11.

In addition, *Geiser* fails to teach or suggest displaying levels in the hierarchy higher than that displayed in a focus panel in succeeding adjoining panels of a first of two bars, where other panels of the first bar identify the highest level groups in an hierarchy, as recited in claims 1 and 11, lines 11-13. The apparatus disclosed in *Geiser* is capable of displaying only one hierarchical level of items (i.e., items that are alphabetic characters), and is incapable of displaying items from a plurality of hierarchical levels (i.e., menus and sub-menus) on adjoining panels of a first bar.

Geiser also fails to teach or suggest a focus panel that identifies a lowest hierarchical level and a next hierarchical level, as recited in claims 1 and 11, lines 9-10. Instead, *Geiser* merely shows one entry on one level, as shown in FIGS. 1a, 1b and 1c of *Geiser*.

In responding to Applicant's remarks in the July 12, 2004 Amendment, the Final Office Action takes the position that Webster's Dictionary defines hierarchy to be a graded or ranked series. The Office Action (pg. 6) states *Geiser* teaches that the set of characters, which a

user can select, is dependent on the previously selected characters, citing col. 3, line 6 thru col. 4, line 10 of *Geiser*. Based on this, the conclusion is reached that in *Geiser* the initially selected characters determine which characters can be selected for the newly selected characters. However, col. 3, lines 3-25 of *Geiser* is directed to limiting the number of selectable letters subsequent to selection of an initial letter, in this case the letter H. Col. 3, lines 26-65 of *Geiser* teaches the use of a vocal output to acknowledge the selection of the letter or number position and the "run-thru" process of the alphabet or a subset thereof. Finally, col. 3, line 66 thru col. 4, line 10 of *Geiser* teaches a sequence that is used to enter two letters. Independent claims 1 and 11 require that the hierarchy comprise a plurality of groups, where at least one of the groups has at least one sublevel of subgroups. *Geiser* fails to teach or suggest navigation through a hierarchal structure of information containing a plurality of groups and at least one level of subgroups. *Geiser* only discloses the use of one hierarchical level, i.e., letters, but does not disclose the use of subgroups.

Moreover, referring to Webster's dictionary as the Examiner has done is unnecessary, since the specification provides a clear meaning for the claimed hierarchy. The claimed hierarchy is described throughout the specification (see for example, pg. 4, lines 4-7). The claimed hierarchy is also described on pg. 2-3 of the present Appeal Brief. Therefore, the use of Webster's Dictionary, in this case, is inappropriate.

Matthews teaches an interactive system for displaying a list containing multiple items on a display screen. This reference was introduced as a basis for concluding that it would have been obvious to a person skilled in the art at the time of the invention to combine the teachings of *Geiser* with the step of displaying bars (control objects) on the edge of a display proximate to an edge of the display parallel (border or screens), as taught in *Matthews*, because doing so would arguably improve the *Geiser* system by increasing the amount of usable screen space that would become available. However, the system achieved by the combination of *Geiser* and *Matthews* still fails to achieve the invention recited in independent claims 1 and 11, since *Matthews* is silent with respect to a hierarchal structure of information containing a plurality of groups and at least one level of subgroups, as recited in independent claims 1 and 11.

For the foregoing reasons, it is respectfully submitted that the teachings of *Geiser* fail to establish a *prima facie* case of anticipation and that the teachings of *Geiser* in combination with *Matthews* fail to establish a *prima facie* case of obviousness with regard to the subject matter

recited in independent claims 1 and 11. Dependent claims 2 to 10 and 12 to 20 are patentable for the reasons that independent claims 1 and 11 are patentable. The Final Rejection of claims 1-20 should be reversed.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that appellant's appellants' claims are not rendered obvious anticipated by and are, therefore, patentable over the art of record, and the Examiner's rejections should be reversed.

Respectfully submitted,
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APPENDIX

1. A method for displaying information in a display associated with an electronic device, comprising:

organizing a plurality of information entries into a hierarchy comprising a plurality of groups, at least one of which groups having at least one sublevel of subgroups; and

displaying panels on a display associated with an electronic device, the panels being arranged into two bars of panels with a common focus panel, each of the panels being linked to and identifying one of (a) one of the plurality of information entries, (b) one of the groups, and (c) one of the subgroups,

wherein the focus panel identifies (a) a currently selectable lowest level in the hierarchy and (b) the next higher level, if any,

wherein levels, if any, in the hierarchy higher than that displayed in the focus panel are identified in succeeding adjoining panels of a first of the two bars, other panels of the first bar identifying highest level groups in the hierarchy, and

wherein panels of the second of the two bars each identify one of (a) information entries, if any, (b) groups, if any, and (c) subgroups, if any, of the same level in the hierarchy as the currently selectable lowest level in the hierarchy identified in the focus panel.

2. The method of claim 1, wherein the two bars are sized and positioned on the display so as to permit viewing of a substantial portion of a background image presented on the display.

3. The method of claim 1, wherein the two bars are perpendicular to one another.

4. The method of claim 3, wherein each of the two bars are positioned on the display to be proximate an edge of the display.

5. The method of claim 3, wherein each of the two bars are positioned on the display to be parallel to an edge of the display.

6. The method of claim 1, wherein the two bars are displayed on the display only upon entry of a command by a user.

7. The method of claim 1, wherein upon entry by the user on an input device of a selecting command, the electronic device performs an action corresponding to an information entry identified in the focus panel.

8. The method of claim 1, wherein a currently selected lowest level in the hierarchy identified in the focus panel is changed upon the entry of a navigation command by the user on an input device.

9. The method of claim 1, wherein information entries, groups, or subgroups linked to the panels are identified on the panels by at least one of text and graphics.

10. The method of claim 1, wherein at least one of the panels is one of semi-transparent and transparent.

11. An apparatus for displaying information in a display associated with an electronic device, comprising:

a database storing a plurality of information entries in a hierarchy comprising a plurality of groups, at least one of which groups having at least one sublevel of subgroups; and

a means for displaying panels on a display associated with an electronic device, the panels being arranged into two bars of panels with a common focus panel, each of the panels being linked to and identifying one of (a) one of the plurality of information entries, (b) one of the groups, and (c) one of the subgroups,

wherein the focus panel identifies (a) a currently selectable lowest level in the hierarchy and (b) the next higher level, if any,

wherein levels, if any, in the hierarchy higher than that displayed in the focus panel are identified in succeeding adjoining panels of a first of the two bars, other panels of the first bar identifying highest level groups in the hierarchy, and

wherein panels of the second of the two bars each identify one of (a) information entries, if any, (b) groups, if any, and (c) subgroups, if any, of the same level in the hierarchy as the currently selectable lowest level in the hierarchy identified in the focus panel.

12. The apparatus of claim 11, wherein the two bars are sized and positioned on the display so as to permit viewing of a substantial portion of a background image presented on the display.

13. The apparatus of claim 11, wherein the two bars are perpendicular to one another.

14. The apparatus of claim 13, wherein each of the two bars are positioned on the display to be proximate an edge of the display.

15. The apparatus of claim 13, wherein each of the two bars are positioned on the display to be parallel to an edge of the display.

16. The apparatus of claim 11, wherein the two bars are displayed on the display only upon entry of a command by a user.

17. The apparatus of claim 11, wherein upon entry by the user on an input device of a selecting command, the electronic device performs an action corresponding to an information entry identified in the focus panel.

18. The apparatus of claim 11, wherein a currently selected lowest level in the hierarchy identified in the focus panel is changed upon the entry of a navigation command by the user on an input device.

19. The apparatus of claim 11, wherein information entries, groups, or subgroups linked to the panels are identified on the panels by at least one of text and graphics.

20. The apparatus of claim 11, wherein at least one of the panels is one of semi-transparent and transparent.